

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1977

CRANE CONSTRUCTION COMPANY,)
)
 Petitioner,)
)
 v.) PCB 77-265
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

This case comes before the Board on a petition for a variance from the requirements of Rule 602(a) of Chapter 3: Water Pollution of the Board's Rules and Regulations. Petitioner is seeking permission to install a combined sewer.

Petitioner is constructing a nine building residential complex at the corner of Division and Wells Streets in Chicago. The proposed combined sewer system for this complex would be tributary to the combined sewer system which feeds the West-Southwest Sewage Treatment Plant operated by the Metropolitan Sanitary District of Greater Chicago. Installation of this sewer is not expected to cause any flooding problems.

If Petitioner were forced to comply with Rule 602(a) of Chapter 3 by installing separate storm and sanitary sewers, it would have to spend an additional \$30,000. This expense would jeopardize the future of the complex and would serve no purpose since a separated system would still be flowing into a combined system.

The proposed plan for ultimate compliance with Rule 602(a) is the Tunnel and Reservoir Project. The economic and technical feasibility of this plan has not been established, but the plan is deemed adequate for the purposes of this variance.

Denial of the requested relief would impose an arbitrary and unreasonable hardship upon Petitioner.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a variance from the requirements of Rule 602(a) of Chapter 3: Water Pollution of the Board's Rules and Regulations.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 10th day of November, 1977 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board